

Appl. No. 08/872,097
Amdt. dated February 4, 2004
Reply to Office Action of November 4, 2004

Remarks

The instant application is directed to an apparatus for delivery of fluids to, and evacuation of fluids from, a plurality of reaction vessels. The delivery or evacuation of fluids is conducted at the same time for each of the reaction vessels, so that the chemical reactions in the respective vessels are able to progress simultaneously. See specification at, e.g., page 2, lines 25-26. The inventive apparatus thus is especially useful for parallel or combinatorial chemical synthesis.

Claims 1-9, 11-29, 31-43 and 47-67 are pending in the application. The Applicants gratefully acknowledge the Examiner's indication that claims 11-16, 31-34, 66 and 67 are allowed. However, claims 1-6, 22-28, 40 and 47 remain rejected. In addition, claims 7-9, 17-21, 29, 35-39, 41-43 and 48-65 are objected to as being dependent upon a rejected base claim.

Claims 18, 28, 29 and 34 have been amended to correct minor errors. Claims 1, 23 and 47 have been amended herein to recite explicitly that the reaction vessels used in the present invention are adapted for "chemical synthesis." The language in each of claims 1, 23 and 47 also has been clarified to recite that "a plurality of injection fittings and evacuation fittings" (see, e.g., Figure 4) enable the "simultaneous" delivery or evacuation of fluids to or from the respective reaction vessels.

The Art Rejections

Claims 1, 2, 4, 23, 24, 26, and 47 stand rejected under 35 U.S.C. 102(e) as being anticipated by Gleave et al. U.S. Patent No. 5,660,727 ("Gleave"). Gleave relates to the extraction of various analytes from solid matrix samples, using a fluid under elevated temperatures and pressures.

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The Applicants respectfully submit that the claims, as amended, distinguish patentably over Gleave. As seen in Gleave's figures, it appears that a cell, such as cell 22, is brought to a single location where a fluid coupling assembly 141, as seen in Fig. 6A, injects and/or extracts fluids. Fluid coupling assembly 141 appears to contain a single injection fitting and a single evacuation fitting – not a “plurality” of injection fittings and evacuation fittings as recited in the amended claims. It is apparent that, in Gleave's apparatus, fluid cannot be injected simultaneously into multiple reaction vessels or evacuated simultaneously from multiple reaction vessels, as advantageously taught by the present invention.

Gleave not only fails as a §102 reference for the above-identified claims (for failing to expressly teach the above features), but also would fail as a §103 reference. Gleave does not even remotely suggest the use of “a plurality of injection fittings and evacuation fittings” to enable the “simultaneous” delivery of fluids to, or evacuation of fluids from, the respective reaction vessels. This is because, unlike the present invention, Gleave does not relate to the parallel or combinatorial synthesis chemical compounds, where the reactions must run simultaneously. Gleave's cells are not even adapted for “chemical synthesis” as required by the amended claims. Rather, each of Gleave's cells merely contains an analyte. Each of Gleave's cells is brought, one-by-one, to the fluid coupling station, where the analyte is extracted for subsequent testing. Therefore, Gleave provides no motivation to modify his apparatus so as to enable the simultaneous movement of fluids into or out of each of his “cells.”

Dependent claims 3, 5, 6, 22, 25, 27, 28 and 40 stand rejected under 35 U.S.C. 103(a) as obvious in view of Gleave. However, these claims all depend from the broader claims discussed in the preceding paragraph, none of which is rendered obvious by Gleave. Thus, for the reasons

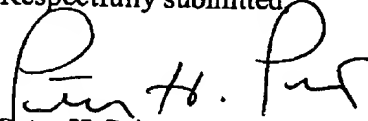
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set forth above, Gleave also fails as a §103 reference with respect to claims 3, 5, 6, 22, 25, 27, 28 and 40.

Conclusion

Since all of the presently pending claims, as amended, appear to distinguish patentably over the cited art, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted



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